

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

TERI KEY SHIVELY, ET AL.	CASE NO. 3:17-cv-00716
VERSUS	JUDGE FOOTE
ETHICON INC., ET AL.	MAGISTRATE JUDGE HAYES
CHARLENE LOGAN TAYLOR	CASE NO. 5:17-cv-00721
VERSUS	JUDGE FOOTE
ETHICON INC, ET AL.	MAGISTRATE JUDGE HAYES
DINA BENNETT, ET AL.	CASE NO. 3:17-cv-00723
VERSUS	JUDGE FOOTE
ETHICON INC, ET AL.	MAGISTRATE JUDGE HAYES

**STATUS REPORT SUBMITTED BY PLAINTIFFS
(IN ADVANCE OF OCTOBER 27, 2017 STATUS CONFERENCE)**

This matter is set for Status Conference with the Court on October 27, 2017 at 9:15 a.m. after having previously been continued by request of the parties so that they may continue to pursue resolution.

BACKGROUND

These three (3) cases were originally filed individually in the Western District of Louisiana. The JPML subsequently transferred all three (3) matters into MDL No.: 2327 in the Southern District of West Virginia, Judge Goodwin presiding. These matters were selected to be worked up for trial by Judge Goodwin as part of a trial Wave because they were amongst the oldest pending matters based upon date of filing. The parties and their counsel worked these cases up for trial pursuant to Judge Goodwin's Orders. The parties conducted extensive discovery, including

depositions of the Plaintiffs, their treaters, Plaintiffs and Defendants' experts, medical examinations of the Plaintiffs, etc. Judge Goodwin then entertained motions for summary judgment, *Daubert* motions, and motions *in limine*, all of which were ruled on prior to remand. Judge Goodwin then remanded these three (3) matters to this Honorable Court following the completion of discovery and pretrial motions, so that they may proceed to trial on the merits.

SETTLEMENT EFFORTS

Pursuant to the Court's directive following the July 27, 2017 Status Conference, counsel for the parties made efforts to confect a joint proposal for a discovery plan and scheduling order. Counsel for Plaintiffs and counsel for Defendants have vastly divergent notions of what is reasonable as far as an efficient course of action for preparing these cases for trial. Efforts to resolve the discovery plan were side-tracked because a Master Settlement Agreement to settle hundreds of cases, including these three (3), had been confected in March 2017. Subsequently a Special Master, Ronald Corkern, Jr., Esq., was appointed. The Special Master's work has not been fully completed, though it is well underway. Plaintiffs' counsel cannot obtain final settlement authority from these three (3) Plaintiffs until the Special Master has completed his allocation.

Plaintiffs' counsel has not yet been provided with the settlement allocation amounts that each of these three (3) Plaintiffs will be offered by the Special Master through the proposed settlement. Until these amounts are provided by the Special Master, Plaintiffs' counsel cannot meaningfully communicate with these Plaintiffs regarding settlement. Thus, while settlement efforts remain ongoing, acceptance has not yet been achievable. Plaintiffs suggest that the Court grant the parties four (4) additional weeks to continue to pursue resolution.

Respectfully submitted,

HERMAN, HERMAN & KATZ, LLC

/s/ MIKALIA M. KOTT

MAURY A. HERMAN (La. Bar No. 6815)

JAMES C. KLINK (La. Bar No. 7451)

JOSEPH A. KOTT (La. Bar No. 24499)

MIKALIA M. KOTT (La. Bar No. 30733)

ALEXANDRA FAIA (La. Bar No.: 36448)

820 O'Keefe Avenue

New Orleans, Louisiana 70113

Telephone: (504) 581-4892

Facsimile: (504) 561-6024

Email: mherman@hhklawfirm.com

jklick@hhklawfirm.com

jkott@hhklawfirm.com

mkott@hhklawfirm.com

afaia@hhklawfirm.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October, 2017, I electronically filed the foregoing document with the Clerk of Court using CM/ECF system, which will send notifications of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ MIKALIA M. KOTT